

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONELLE R. FIGUEROA,

Plaintiff,

v.

CITY OF TUKWILA, et al.,

Defendants.

CASE NO. C11-1496 RAJ

ORDER DENYING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON
QUALIFIED IMMUNITY

This matter comes before the court on a motion for summary judgment on qualified immunity by defendants William J. Devlin and Jason Wollan.¹ Dkt. # 10. *Pro se* plaintiff alleges a single cause of action under 42 U.S.C. § 1983 for use of excessive force in violation of the Fourth and Fourteenth Amendments. Dkt. # 1 at 9 ¶¶ 5-5.8. The only evidence presented by defendants is two improperly authenticated, inadmissible police reports.² *See Orr v. Bank of America*, 285 F.3d 764, 773 (9th Cir. 2002) (court

¹ The individual defendants seem to indicate in a footnote that the City of Tukwila is not a moving party. The court notes that it will not grant summary judgment on behalf of a defendant who is not a moving party.

² It is unclear to the court why officers Devlin and Wollan did not provide their own declarations explaining the events they observed and properly authenticating their reports.

1 may only consider admissible evidence in resolving a motion for summary judgment).
2 The court also notes that Officer Wollan's police report is not signed. Since defendants
3 have failed to present admissible evidence, the court DENIES the motion. The court
4 notes that although plaintiff opposes the motion, she has failed to present any admissible
5 evidence as well. If she wishes to oppose a future motion for summary judgment, she
6 must present admissible evidence in support of her opposition. Simply arguing that she
7 will present evidence is insufficient.

8 For all the foregoing reasons, the court DENIES the defendants' motion for
9 summary judgment. Dkt. # 10. Defendants may file a renewed motion for summary
10 judgment on the same issues raised with supporting, admissible evidence no later than
11 October 31, 2012.

12 Dated this 8th day of October, 2012.

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15 The Honorable Richard A. Jones
16 United States District Judge
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